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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25700	7590	05/18/2005	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			KUMAR, PANKAJ	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	09/824,448	ELDUMIATI ET AL.	
	Examiner	Art Unit	
	Pankaj Kumar	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-12,14-20 and 24-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,6,7,9,10,16-20 and 24-50 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,11,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 4 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Objections

2. Claim 9 is objected to because of the following informalities: Claim 9 is dependent on cancelled claim 8 when it should have probably been dependent on claim 6.
3. Claim 15 is objected to since it recites "said diagnostic/maintenance information" but only "diagnostic information" was recited earlier. So it appears that "said diagnostic/maintenance information" should probably be changed to 'said diagnostic information'.
4. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahavi 6886020 in view of Bhatia.

7. As per claim 1: A method of identifying a connection between a first data entity and a second data entity, said method comprising: initiating one or more calls (Zahavi fig. 3: commands; fig. 5: wake up 52, DLL request 58, connect 66) for establishing a connection between said first data entity with said second data entity (Zahavi fig. 2: connecting between the various devices); creating a pseudo-unique identification code that is different (Zahavi fig. 7: symmetrix id inherently different to identify the symmetrix; fig. 2: symmetrixes) for each of said calls (not in Zahavi but would be obvious as explained below); storing said pseudo-unique identification information (Zahavi fig. 6: symmetrix identifier is stored for the data files, archives, etc.) for each of said calls; storing diagnostic information relating to each of said calls (Zahavi fig. 7: log file; fig. 9: performance archive, metric in archives); associating said diagnostic information for each of said calls with said pseudo-unique identification code (Zahavi fig. 6: identifier for symmetrix is associated with archive) corresponding to each of said calls. What Zahavi does not teach is that its id is different for each call. What Bhatia teaches is that its id is different for each call (Bhatia fig. 9c: 980: calculate subnet mask; fig. 2: dynamic ip address assignment; different ip address each time call is made for internet connection; fig. 16: 1685 key).

8. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the id being different for each call as indicated by the instant claims, because the combined teaching of Zahavi with Bhatia suggest id being different for each call as indicated by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Zahavi with Bhatia because Zahavi suggests id (something broad) in general and Bhatia suggests the beneficial use of id being different for each

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call such as an id not being wasted and thus using less resource by only having ids for connections that currently exist and not having ids for connections that do not exist in the analogous art of connections.

9. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

10. As per claim 2: The method of claim 1 wherein said pseudo-unique identification information comprises a string that is pseudo-randomly generated (Bhatia fig. 9c: 980 calculation based on accommodating the least number of hosts but no less than 4).

11. As per claim 3: The method of claim 1 wherein said storing said pseudo-unique identification information occurs on both said first data entity and said second data entity (Bhatia fig. 9B: 955; fig. 9C: 980: save IP addresses in the same subnet, set ip addresses).

12. As per claim 5: The method of claim 1 wherein said first data entity comprises a first modem (Bhatia fig. 1: 300) and said second data entity comprises a second modem (Bhatia fig. 1: 60, 70 have modems).

13. Claims 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori 5,339,355 in view of Butts USPN 6,233,543.

14. As per claim 11: sending diagnostic information on said secondary communications channel (Mori fig. 1: 43, 25, 37 col. 14 lines 13-16: "both communication channels"; since there are 2 communication channels, one is a first communication channel and hence another is a

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second or secondary communication channel); wherein said diagnostic information (Mori col. 14 lines 5-68: command) is categorized into a category selected from group consisting (Mori col. 14 lines 5-68: commands are either LOOP_OPEN or DISCONNECT_INSTRUCTION or SIGNAL RECEIVED or MODEM CONNECT or ALERTING SIGNAL etc.) of monitor, control, configuration, and unsolicited (not in Mori but would be obvious as explained below).

15. Mori does not teach monitor, control, configuration, and unsolicited. Butts 6233543 teaches monitor (Butts col. 12; col. 19 lines 30-50: protocol version is sent to see (hence monitor) if the version is compatible, abs: response time monitoring), control (Butts col. 6 line 15: version level control), configuration (Butts col. 8 line 17 configuration), and unsolicited (Butts col. 9 line 63: unsolicited).

16. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at monitor, control, configuration, and unsolicited as recited by the instant claims, because the combined teaching of Mori with Butts suggest monitor, control, configuration, and unsolicited as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Mori with Butts because Mori suggests diagnostic information or commands (something broad) in general and Butts suggests the beneficial use of monitor, control, configuration, and unsolicited such as verifying version level compatibility (Butts col. 19 lines 30-50) and configuring for emulation (Butts col. 8 lines 5-17) and for updating fields (Butts col. 9 lines 37-67) in the analogous art of communication.

17. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not

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depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

18. As per claim 12: The method of claim 1 wherein said diagnostic information includes at least one piece of information concerning one or more devices connected to said secondary communications channel (Mori col. 14 lines 31-32: called party number, signal received; fig. 1: modem, PSTN, data terminal).

19. As per claim 14: The method of claim 11 wherein said diagnostic information includes pseudo-unique identification information regarding a particular connection (Mori col. 14 lines 31-32, fig. 7: 153 time slot assigner: called party number is unique like a telephone number and the data communicated is assigned to a reusable time slot and hence pseudo unique for each connection since communication at one time slot is unique for a particular time but that same time slot can be used for a different called party number at a different time).

Allowable Subject Matter

20. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. Claim 9 is objected to but would be allowable if rewritten to overcome the objection cited in this action above.

22. Claims 6, 7, 10, 16-20, 24-50 are allowed.

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23. The following is a statement of reasons for the indication of allowable subject matter:

The art of record does not suggest the respective claim combinations together and nor would the respective claim combinations be obvious with:

24. As per claims 19-20: associating said first diagnostic information with said first call identification information; terminating said first connection; establishing a second connection with said second modem; creating a second call identification information unique to said second connection; receiving a call identification information for a previous connection from said second modem; and matching said call identification information with said first call identification information stored by said first modem; retrieving said first diagnostic information associated with said first call identification information.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pankaj Kumar
Patent Examiner
Art Unit 2631

PK



TESFALDET BOCU
PRIMARY EXAMINER